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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,677	01/18/2002	Andrew J. Zosel	005557.P006	5443

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EXAMINER

TRAIL, ALLYSON NEEL

ART UNIT PAPER NUMBER

2876

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/052,677

Applicant(s)

ZOSEL ET AL.

Examiner

Allyson N. Trail

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 23-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7-10,14,23 and 28-33 is/are rejected.
- 7) ☒ Claim(s) 2-6,11-13 and 24-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10-2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the amendment filed August 21, 2006.

Remarks

2. The indicated allowability of claims 1, 7-10, 14, 23, 28, and 29 from the previous Office Action is withdrawn in view of recognition that Wike and Wike modified by Rigoni teaches the subject matter of claims 1, 7-10, 14, 23, 28, and 29. The delay in citation of the above art is regretted. Rejections based on the above identified prior arts follow. Therefore, this action is not made Final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wike, Jr. (5,212,371), hereinafter Wike in view of Chen (5,581,071).

With respect to claims 1 and 10, Wike teaches in the abstract, an optical scanning unit. The scanning unit produces light beams, which form a scan pattern comprising a plurality of intersecting scan lines whose center of intersection remains constant as the distance between the deflecting member and the bar code label changes.

With respect to claim 7, Wike teaches the scanner shown in figure 2 including a focusing lens member 70.

Wike's teachings above fail to teach the barcode scanner being in the form of a camera.

Chen teaches in column 1, line 36 that a barcode scanner may use a CCD camera.

In view of Chen's teachings it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Wike's barcode scanner, which locates the center of the barcode, wherein the scanner includes a CCD camera as is taught by Chen. One would be motivated to use a CCD camera in place of a conventional scanner for the fact, in contrast to conventionally used scanners, CCD scanners do not have any movable parts and, accordingly, there is no wear.

5. Claims 8, 9, 14, 23, and 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wike in view of Rigoni et al (EP1128315), hereinafter Rigoni.

Wike's teachings are discussed above (regarding claims 23, 28, and 30-33). Wike additionally teaches (with regards to claims 8, 14, and 32) in figure 2 on the main body portion 24, a printed circuit board 50 which contains the digital interface logic circuits for controlling the processing of digital signals generated as a result of the operation of the scanning unit 26. Wike also teaches, located in the lower edge of the handle portion 22 is a recessed plug portion 60 for receiving a cable (not shown), which supplies power to the scanner and also transmits electrical signals outputted by a

microprocessor (not shown) located on the printed circuit board 50 representing the data signals generated as a result of scanning the bar code label.)

Wike however fails to teach a confirmation beam for confirming the processing of the image.

Rigoni teaches the following in regards to claims 8, 9, 14, 23, 29, 30, and 32:

"In an apparatus and a method for acquiring and reading optical codes, the indication of the reading result is carried out projecting a luminous figure onto the optical code, that is to say in the position on which the attention of the operator is focused" (Abstract).

In view of Rigonie's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to include in Wike's scanner, a confirmation beam. Having a confirmation beam gives the operator a positive indication of whether or not the image was read and processed correctly. This indication allows the operator to know whether the code has been decoded before proceeding to read another code and makes the reading process more efficient.

Allowable Subject Matter

6. Claims 2-6, 11-13, and 24-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

The following is an examiner's for allowance: Although prior art teaches determining the center of view of the lens of a projector, the above identified prior art of record, taken alone, or in combination with any other prior art, fails to teach or fairly

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suggest the specific features of claims 2-6, 11-13, and 24-27 the present claimed invention. Specifically prior art fails to teach the geometric shapes being in the form of bars. Prior art additionally fails to teach the projector including a first and second projector, each including a light source, and beam former positioned between the light source and the plane for forming the beam emitted from the light source, and a lens for focusing the light beam emitted from the beam former. The above limitations are not taught in prior art and moreover, one of ordinary skill in the art would not have been motivated to come to the claimed invention.

Response to Arguments

7. Applicant's arguments, filed August 21, 2006 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Boles et al (5,212,371).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

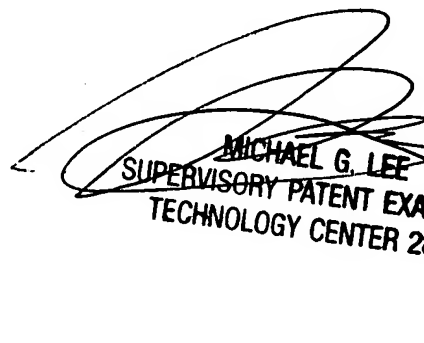
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (571) 273-8300.

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Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.trail@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Allyson N. Trail
Patent Examiner
Art Unit 2876
November 9, 2006


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
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